

00862.110014.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
SHUYA KAECHI) : Examiner: P. Pich
U.S. Application No.: 10/587,856) : Art Unit: 2435
§ 371 Date: July 28, 2006) :
Int'l Appln. No.: PCT/JP2005/019938) :
Int'l Filing Date: October 25, 2005) :
For: METHOD OF DETECTING AND)
AUTHENTICATING) :
CONNECTION TARGET FOR)
WIRELESS COMMUNICATION : September 7, 2010
APPARATUS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW REQUIREMENTS FOR RESTRICTION AND ELECTION

Sir:

This is a Petition for withdrawal of requirements for restriction and election.

The requirements were entered in an Office Action dated March 9, 2010, and were made "final" in an Office Action dated June 7, 2010. Applicant timely traversed the requirements, in a Response dated April 9, 2010.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 7, 2010

(Date of Deposit)

Michael K. O'Neill, Reg. No. 32,622
(Name of Attorney for Applicant)


Signature

September 7, 2010
Date of Signature

Pursuant to the provisions of 37 C.F.R. § 1.499, this Petition is being filed as provided under 37 C.F.R. § 1.144. No petition fee is believed due, but if any such fee is due, then it should be charged to Deposit Account No. 06-1205.

FACTS

1. This application is a National Stage application filed under 35 U.S.C. § 371.
2. The requirement for restriction was entered under 37 C.F.R. § 1.142(b).
3. The requirements of 37 C.F.R. § 1.142 are not applicable to National Stage applications. Rather, National Stage applications are analyzed under “unity of invention” requirements. See MPEP § 1893.03(d):

“Examiners are reminded that unity of invention (*not* restriction practice pursuant to 37 C.F.R. § 1.141-1.146) is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371.” MPEP page 1800-208, emphasis added.

4. Accordingly, the requirements for restriction and election were entered improvidently, since they were entered under a section which is not applicable to the instant application.

WHEREFORE grant of this Petition, and withdrawal of the requirements for restriction and election, are all respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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